

# **grant & geoghegan ltd.**

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## **Grounds of Appeal- Appendices**

**Site at Kirkton Cottage, Alves**

**Issue Date:**  
31<sup>st</sup> January 2019

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**MORAY COUNCIL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,  
as amended**

**REFUSAL OF PLANNING PERMISSION**

**[Heldon And Laich]  
Application for Planning Permission**

TO Mr Douglas Fraser  
c/o Grant And Geoghegan Limited  
Unit 4  
Westerton Road Business Centre  
4 Westerton Road South  
Keith  
AB55 5FH

With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

**Erect dwellinghouse on Site At Kirkton Cottage Alves Moray**

and for the reason(s) set out in the attached schedule.

Date of Notice: **1 Novmeber 2018**

*A A Burnie*

Pp \_\_\_\_\_

**HEAD OF DEVELOPMENT SERVICES**  
Environmental Services Department  
Moray Council  
Council Office  
High Street  
ELGIN  
Moray IV30 1BX

**IMPORTANT  
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW**

**SCHEDULE OF REASON(S) FOR REFUSAL**

By this Notice, Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

The proposal is contrary to Policies PP1, H7 and IMP1 of the adopted Moray Local Development Plan 2015 and, as a material consideration, the associated Supplementary Guidance: Housing in the Countryside, whereby

- a) individually, the proposal would not integrate sensitively with the surrounding area where, given the open setting of the site on part of an agricultural field, any resultant dwelling thereon would appear as an obtrusive and conspicuous form of development and, in addition, the site lacks sufficient backdrop, screening and enclosure to mitigate the impact of the development and assist in its integration sensitively into the surrounding landscape; and
- b) cumulatively, the introduction of an additional dwelling would contribute to the further build-up of development in the locality and thereby, it would detract from, and be detrimental to, the character, appearance and amenity of the surrounding rural area within which it is located.

**LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT**

The following plans and drawings form part of the decision:-

Reference	Version	Title
017/364/03		Site plan
017/364/01		Floor plan
017/364/02		Elevations
017/364/04		Block plan
017/364/05		Location plan
017/364/06		Section plan
901		Proposed culvert details
906		Site sections
902		Access and culvert
905		Site section location



**DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL,  
AS AGREED WITH APPLICANT (S.32A of 1997 ACT)**

N/A

**DETAILS OF MATTERS SPECIFIED IN CONDITIONS**

Approval, consent or agreement has been GRANTED for the following matter(s):-

N/A

**NOTICE OF APPEAL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. This form is also available and can be submitted online or downloaded from [www.eplanning.scotland.gov.uk](http://www.eplanning.scotland.gov.uk)

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



## **ANNEX A**

### **DEFINING A MATERIAL CONSIDERATION**

1. Legislation requires decisions on planning applications to be made in accordance with the development plan (and, in the case of national developments, any statement in the National Planning Framework made under section 3A(5) of the 1997 Act) unless material considerations indicate otherwise. The House of Lord's judgement on *City of Edinburgh Council v the Secretary of State for Scotland* (1998) provided the following interpretation. If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. If the proposal does not accord with the development plan, it should be refused unless there are material considerations indicating that it should be granted.
2. The House of Lord's judgement also set out the following approach to deciding an application:
  - Identify any provisions of the development plan which are relevant to the decision,
  - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies,
  - Consider whether or not the proposal accords with the development plan,
  - Identify and consider relevant material considerations for and against the proposal, and
  - Assess whether these considerations warrant a departure from the development plan.
3. There are two main tests in deciding whether a consideration is material and relevant:
  - It should serve or be related to the purpose of planning. It should therefore relate to the development and use of land, and
  - It should fairly and reasonably relate to the particular application.
4. It is for the decision maker to decide if a consideration is material and to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the development plan. Where development plan policies are not directly relevant to the development proposal, material considerations will be of particular importance.

5. The range of considerations which might be considered material in planning terms is very wide and can only be determined in the context of each case. Examples of possible material considerations include:
- Scottish Government policy, and UK Government policy on reserved matters
  - The National Planning Framework
  - Scottish planning policy, advice and circulars
  - European policy
  - a proposed strategic development plan, a proposed local development plan, or proposed supplementary guidance
  - Guidance adopted by a Strategic Development Plan Authority or a planning authority that is not supplementary guidance adopted under section 22(1) of the 1997 Act
  - a National Park Plan
  - the National Waste Management Plan
  - community plans
  - the environmental impact of the proposal
  - the design of the proposed development and its relationship to its surroundings
  - access, provision of infrastructure and planning history of the site
  - views of statutory and other consultees
  - legitimate public concern or support expressed on relevant planning matters
6. The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interests, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.

**Policy H7**

**New Housing in the Open Countryside**

This policy assumes in favour of an application for a new house in the open countryside provided all of the following requirements are met:

**Siting**

- a) It reflects the traditional pattern of settlement in the locality and is sensitively integrated with the surrounding landform using natural backdrops, particularly where the site is clearly visible in the landscape. Obtrusive development (i.e. on a skyline, artificially elevated ground or in open settings such as the central area of a field) will not be acceptable;
- b) It does not detract from the character or setting of existing buildings or their surrounding area when added to an existing grouping or create inappropriate ribbon development;
- c) It does not contribute to a build-up of development where the number of houses has the effect of changing the rural character of the area. Particular attention will be given to proposals in the open countryside where there has been a significant growth in the number of new house applications; and,
- d) At least 50% of the site boundaries are long established and are capable of distinguishing the site from surrounding land (e.g. dykes, hedgerows, fences, watercourses, woodlands, tracks and roadways).

**Justification**

The Plan aims to allow housing in the open countryside that can be easily absorbed into the landscape. New development should be low impact and reflect the character of the surrounding area in terms of the traditional pattern of settlement and the scale and design of housing. The introduction of suburban layouts and house styles and the incremental build up of new houses have the potential to alter the rural character and detrimentally impact on the area's high quality rural environment.

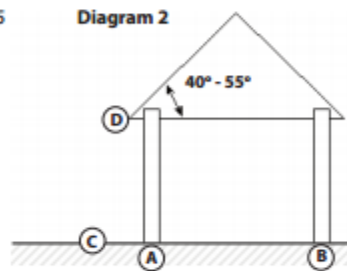
Proposals that add to an existing grouping, such as an established re-use or rehabilitation scheme, will be more satisfactorily integrated where they connect through built form, layout and landscape features. Development that adds to an existing suburban layout should be avoided. Infill development along a road or landscape feature may be appropriate where this does not detract from the character or setting of existing houses.

Innovative modern design and energy efficiency measures are encouraged to promote sustainable development.

If the above criteria for the setting of the new house are met, the following design requirements then apply:

#### Design

- i) A roof pitch between 40-55 degrees;
- ii) A gable width of no more than 2.5 times the height of the wall from ground to eaves level (see diagram 2);
- iii) Uniform external finishes and materials including slate or dark 'slate effect' roof tiles;
- iv) A vertical emphasis and uniformity to all windows and doors;
- v) Boundary demarcation that reflects the established character or style (e.g. dry stone dykes, hedges) in the locality;
- vi) Proposals must be accompanied by a landscaping plan showing an appropriate proportion of the plot, generally 25%, to be planted with native tree species at least 1.5 metres in height.



#### Ground Level:

A fixed point measured 100mm below the finished floor level of a house with a solid ground floor;

or 300mm below finished floor level of a suspended ground floor

#### Eaves:

The point where the front face of the external wall intersects with the uppermost point of the roof line

The width of the gable as measured from A to B should not be greater than 2.5 times the height of the ground to eaves measurement C to D.

Pitch on roof to be 40° - 55°

Exceptions to the above design requirements will only be justified on the basis of innovative designs that respond to the setting of the house.

Proposals which involve the loss of woodland will be assessed against policy ER2 and must take account of the Council's Supplementary Guidance on Trees and Development.

Supplementary Guidance has been produced in order to provide further advice on the interpretation of this policy, and will be used in the process of determining planning applications.

Proposals for holiday homes in the open countryside will be assessed against this policy.

Other considerations such as noise contours, developer contributions and energy efficiency will be taken into account in the determination of a planning application, and advice on these matters can be viewed in the aforementioned Supplementary Guidance.

**Policy IMP1 Developer Requirements**

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It should comply with the following criteria

- a) The scale, density and character must be appropriate to the surrounding area.
- b) The development must be integrated into the surrounding landscape
- c) Road, cycling, footpath and public transport must be provided at a level appropriate to the development. Core paths; long distance footpaths; national cycle routes must not be adversely affected.
- d) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water.
- e) Where of an appropriate scale, developments should demonstrate how they will incorporate renewable energy systems, and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria.
- f) Make provision for additional areas of open space within developments.
- g) Details of arrangements for the long term maintenance of landscape areas and amenity open spaces must be provided along with Planning applications.
- h) Conservation and where possible enhancement of natural and built environmental resources must be achieved, including details of any impacts arising from the disturbance of carbon rich soil.
- i) Avoid areas at risk of flooding, and where necessary carry out flood management measures.
- j) Address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- k) Address and sufficiently mitigate any contaminated land issues
- l) Does not sterilise significant workable reserves of minerals or prime quality agricultural land.
- m) Make acceptable arrangements for waste management.

**Justification**

The quality of development in terms of its siting, design and servicing is a priority consideration within the Plan. In the first instance, development needs to be suitable to the surrounding built and natural environment. Development should be adequately serviced in terms of transport, water, drainage, with particular emphasis on providing pedestrian and cycle access, and any necessary public transport facilities/connections. The use of SUDS and incorporation of renewable energy techniques and sustainable design and construction methods will all help promote sustainability in Moray. Most of the serious flood risks have been addressed by flood alleviation schemes, but there are still areas that are susceptible and these should be avoided. Similarly, pollution issues in relation to air, noise, groundwater and ground contamination, must be adequately addressed to provide proper development standards.



## Policy T2 PROVISION OF ACCESS

The Council will require that new development proposals are designed to provide the highest level of access for end users including residents, visitors, and deliveries appropriate to the type of development and location. Development must meet the following criteria:

- Proposals must maximise connections and routes for pedestrian and cyclists, including links to active travel and core path routes, to reduce travel demands and provide a safe and realistic choice of access.
- Provide access to public transport services and bus stop infrastructure where appropriate.
- Provide appropriate vehicle connections to the development, including appropriate number and type of junctions.
- Provide safe entry and exit from the development for all road users including ensuring appropriate visibility for vehicles at junctions and bends.
- Provide appropriate mitigation/modification to existing transport networks where required to address the impacts of new development on the safety and efficiency of the transport network. This may include but would not be limited to, the following measures, passing places, road widening, junction enhancement, bus stop infrastructure and drainage infrastructure. A number of potential road improvements have been identified in association with the development of sites the most significant of these have been shown on the Settlement Map as TSPs.
- Proposals must avoid or mitigate against any unacceptable adverse landscape or environmental impacts.

Developers should give consideration to aspirational core paths (under Policy 2 of the Core Paths Plan) and active travel audits when preparing proposals.

New development proposals should enhance permeability and connectivity, and ensure that opportunities for sustainable and active travel are protected and improved.

### Justification

Policy supports the creation of sustainable communities accessible by a range of transport modes including viable alternatives to private vehicles. Pedestrian movement, cycling and public transport routes will be a priority. At the early design stages consideration should be given to the likely desire routes (public transport, schools, and facilities) which shall inform the layout and design of the development. Inclusion of aspirational core paths and active travel audit proposals will provide new links that have a focus on facilitating active travel and sustainable transport helping to maximise new development's accessibility and connections to existing networks and facilities.

The street design guidance within Designing Streets can be used as a material consideration in determining applications. Proposals must incorporate the principles of "Designing Streets" and the Council's supplementary guidance "People and Paces – A design Guide for Moray". Consideration should also be given to any active travel audits in place. For smaller developments in the countryside the Council's guidance "Transportation Requirements in Small Developments in Rural Parts of Moray" should be considered. The Planning Authority will be realistic about the likely availability of public transport services in rural areas. Innovative solutions such as demand responsive public transport and small scale park and ride facilities at nodes on bus corridors are encouraged to reduce travel demands by private vehicles.

*Continued on next page.*

**Policy T5**

**PARKING STANDARDS**

Proposals for development must conform with the Council's current policy on parking standards.

**Justification**  
The application of parking standards related to development assists in the implementation of appropriate traffic management, and in the availability of on-street car parking provision. The standards specify where there is scope to provide commuted payments as an alternative to parking on site, as well as the need for parking for commercial vehicles.



**Policy EP5 Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)**

Surface water from development should be dealt with in a sustainable manner that has a neutral effect on the risk of flooding or which reduces the risk of flooding. The method of dealing with surface water should also avoid pollution and promote habitat enhancement and amenity. All sites should be drained by a sustainable drainage system (SUDS). Drainage systems should contribute to enhancing existing "blue" and "green" networks while contributing to place-making, biodiversity, recreational, flood risk and climate change objectives.

Specific arrangements should be made to avoid the issue of permanent SUD features becoming silted-up with construction phase runoff. Care must be taken to avoid the introduction of invasive non-native species during the construction of all SUD features.

Applicants must agree provisions for long term maintenance of the SUDS scheme to the satisfaction of the Council in consultation with SEPA and Scottish Water as appropriate.

A Drainage Assessment (DA) will be required for developments of 10 houses or more, industrial uses, and non-residential proposals of 500 sq metres and above.

The Council's Flood Team will prepare Supplementary Guidance on surface water drainage and flooding.

**Justification**

Under the Water Environment Controlled Activity (Scotland) Regulations 2011, SUDS are a statutory requirement for almost all development and therefore this needs to be considered during the site design to ensure adequate space will be available. Well designed and maintained, SUDS can reduce diffuse pollution from surface water run-off, free up capacity in water management infrastructure, contribute to green/blue networking thereby supporting River Basin planning. Blue networks are identified to ensure that new development is set back from and planned around watercourses to create networks and corridors to facilitate natural hydrological process, enhance biodiversity and help create a "unique sense of place" on-site. Systems should be designed to comply with the Controlled Activity Regulations (CAR) general binding rules (GBR's). SUDS also have a role in reducing flood risk and mitigating against the effects of climate change.



### Policy EP10 Foul Drainage

All development within or close to settlements (as defined in the Local Development Plan) of more than 2,000 population equivalent will require to connect to the public sewerage system unless connection to the public sewer is not permitted due to lack of capacity. In such circumstances, temporary provision of private sewerage systems may be allowed provided Scottish Water has confirmed investment to address this constraint has been specifically allocated within its current Quality Standards Investment Programme and the following requirements apply:

- Systems shall not have an adverse impact on the water environment;
- Systems must be designed and built to a standard which will allow adoption by Scottish Water.
- Systems must be designed such that they can be easily connected to a public sewer in the future. Typically this will mean providing a drainage line up to a likely point of connection.

All development within or close to settlements (as identified in the Local Development Plan) of less than 2000 population equivalent will require to connect to public sewerage system except where a compelling case is made otherwise. Factors to be considered in such a case will include size of the proposed development, whether the development would jeopardise delivery of public sewerage infrastructure and existing drainage problems within the area. Where a compelling case is made, a private system may be acceptable provided it does not pose or add risk of detrimental effect, including cumulative, to the natural and built environment, surrounding uses or amenity of the general area. Consultation with Scottish Environment Protection Agency will be undertaken in these cases.

Where a private system is deemed to be acceptable (within settlements as above or small scale development in the countryside) a discharge to land (either full soakaway or raised mound soakaway) compatible with Technical Handbooks (which sets out guidance on how proposals may meet the Building (Scotland) Regulations 2004) should be explored prior to considering a discharge to surface waters.

#### Justification

This policy aims to achieve the satisfactory disposal of sewage. The policy encourages new development to connect to the mains system whenever possible but recognises that in some cases this will not prove possible. The policy seeks to ensure that drainage systems can be designed to a standard that can be adopted by Scottish Water and which could be connected to a public system in the future.

- the scale of development proposed is appropriate, and it has been shown that the proposal cannot reasonably be altered or reduced in scale to allow it to be accommodated at a sequentially preferable location;
- the proposal will help to meet qualitative or quantitative deficiencies; and
- there will be no significant adverse effect on the vitality and viability of existing town centres.

## Promoting Rural Development

### NPF Context

**74.** NPF3 sets out a vision for vibrant rural, coastal and island areas, with growing, sustainable communities supported by new opportunities for employment and education. The character of rural and island areas and the challenges they face vary greatly across the country, from pressurised areas of countryside around towns and cities to more remote and sparsely populated areas. Between these extremes are extensive intermediate areas under varying degrees of pressure and with different kinds of environmental assets meriting protection. Scotland's long coastline is an important resource both for development and for its particular environmental quality, especially in the areas of the three island councils.

### Policy Principles

**75.** The planning system should:

- in all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces;
- encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality; and
- support an integrated approach to coastal planning.

### Key documents

- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)<sup>40</sup>
- National Marine Plan

### Delivery

**76.** In the pressurised areas easily accessible from Scotland's cities and main towns, where ongoing development pressures are likely to continue, it is important to protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside, particularly where there are environmental assets such as sensitive landscapes or good quality agricultural land. Plans should make provision for most new urban development to take place within, or in planned extensions to, existing settlements.

**77.** In remote and fragile areas and island areas outwith defined small towns, the emphasis should be on maintaining and growing communities by encouraging development that provides suitable sustainable economic activity, while preserving important environmental assets such as landscape and wildlife habitats that underpin continuing tourism visits and quality of place.

**78.** In the areas of intermediate accessibility and pressure for development, plans should be tailored to local circumstances, seeking to provide a sustainable network of settlements and a

<sup>40</sup> [www.scotland.gov.uk/Publications/2011/03/17091927/0](http://www.scotland.gov.uk/Publications/2011/03/17091927/0)



## Rural development

### Problems to solve

For over 10 years, *PAN 36* has had some positive impact on new housing development but, nevertheless, concerns remain:

- an inability to understand designs particular to local areas;
- development plans and supporting guidance not always sufficiently clear about the standards required;
- a lack of confidence in articulating and holding out for quality design, and following through to appeal, if necessary;
- an over reliance on houses not designed specifically for the site; and
- roads and drainage engineers using urban solutions rather than having greater flexibility to reflect local circumstances.



It is therefore appropriate to restate the importance of quality development in the countryside by expanding on the messages in *PAN 36*.

### Changing circumstances

One of the most significant changes in rural areas has been a rise in the number of people wishing to live in the accessible parts of the countryside while continuing to work in towns and cities within commuting distance. Others wish to live and work in the countryside. These trends derive from lifestyle choices and technological changes which allow working from home. More people are now also buying second or holiday homes. In addition, leisure and tourism businesses have been increasingly active, for example through timeshare and chalet developments. It is for planning authorities to assess these demands and decide how, and where, to accommodate them.



a rise in the number of people wishing to

# live

in the countryside



1: Self catering units, near Auchtermadar, Perth & Kinross  
2: Contemporary artist's studio and home, Perth & Kinross

## Opportunities

Some landscapes will probably have to accommodate considerable change in the coming years. This change needs to be planned and managed so that the effects are positive. Buildings in rural areas can often be seen over long distances and they are there for a long time. Careful design is essential. Traditional buildings can be an inspiration but new or imaginative re-interpretation of traditional features should not be excluded. Where possible, the aim should be to develop high quality modern designs which maintain a sense of place and support local identity.

**Examples of the main opportunities include:**

### conversion or rehabilitation

The revival of rural buildings to provide comfortable modern homes has become increasingly popular. It not only brings a building back to life but it may provide opportunities to sensitively conserve our built heritage, including buildings of merit which are not listed. The sympathetic restoration of buildings which are structurally sound, largely intact, safely accessible and linked to water and other services maintains the character and distinctiveness of places.



7

### small-scale infill

Small-scale infill in existing small communities can bring economic and social benefits by supporting existing services such as schools and shops. Planning authorities should generally seek to reinforce the building pattern of the existing settlement and ensure that new buildings respect and contribute to the area's architectural and cultural heritage.



### new groups of houses

Housing related to existing groupings will usually be preferable to new isolated developments. The groupings should not be suburban. They should be small in size, and sympathetic in terms of orientation, topography, scale, proportion and materials to other buildings in the locality. They should take account of sustainable development criteria in location and infrastructure needs.



### single houses

There will continue to be a demand for single houses, often individually designed. But these have to be planned, with location carefully selected and design appropriate to locality.





## Some landscape considerations

**Location within the landscape** – Location concerns site selection within the wider landscape. Some areas are so prominent that it is accepted that any development at these locations would be detrimental to the surrounding landscape. Most new developments should try to fit into or nestle within the landscape. Skyline development should normally be avoided, as should heavily engineered platforms. This is to ensure that the building does not interrupt and conflict with the flow of the landform or appear out of scale. Even where sites are less visible they will still require a significant level of skill to assimilate buildings into the landscape. Sites which are least visible can often be suitable for more adventurous or individual designs. Occasionally, where a landmark development is considered to be appropriate, its design needs to be of the highest quality and considered very carefully. Likewise, where there are groupings of new buildings, their location within the landscape and relationship to each other is important.



**Woodlands** – Setting a building against a backdrop of trees is one of the most successful means by which new development can blend with the landscape. Where trees exist they should be retained. Care should be taken to ensure an appropriate distance between tree root systems and building foundations, so that neither is compromised. In some parts of Scotland, where there is little existing planting and limited scope for landscaping, particular care should be taken in the selection of sites and design of houses.



**New planting** – The purpose of new planting is not to screen or hide new development, but to help integration with the surrounding landscape. New trees and shrubs which are locally native will usually be easier to establish than non-native plants, and will be more in keeping with the character of the area. Planting with locally native species has the additional benefits of creating habitats for wildlife and potentially contributing to Local Biodiversity Action Plans.



**Boundary treatments** – The open space associated with a house or houses should be considered as an integral part of the development, not as an afterthought, and again be treated in relation to the surrounding environment. Suburban ranch-type fences, concrete block walls and the regimented use of non-native fast-growing conifers should be avoided. Although the use of dry-stone walling in some areas can help the integration of new development with the landscape, the costs involved may mean that this can only be justified in exceptional circumstances. Such circumstances are most likely to arise in designated areas, e.g. National Parks, National Scenic Areas, Conservation Areas and local landscape designations.





AUG 2017

GUIDANCE NOTE



# GUIDANCE NOTE ON LANDSCAPE AND VISUAL IMPACTS OF CUMULATIVE BUILD-UP OF HOUSES IN THE COUNTRYSIDE





# Contents

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# GUIDANCE NOTE

## ON LANDSCAPE AND VISUAL IMPACTS OF CUMULATIVE BUILD-UP OF HOUSES IN THE COUNTRYSIDE

### Introduction

The rate of growth of new housing in the countryside in the last 10 years has been significant in Moray. This has led to the creation of areas where there are concentrated pockets of housing and parts of the countryside are becoming suburbanised by an uncharacteristic build up of houses that threatens to erode the distinctive qualities of rural Moray.

### How to use this document

This guidance has been prepared to provide further detail in respect of the landscape and visual impacts associated with the build-up of new housing in the open countryside and to assist in determining when it becomes unacceptable. This additional guidance supports Policy H7 - Housing in the Open Countryside and associated Supplementary Guidance and is a material consideration when assessing housing in the countryside proposals, specifically where build up is one of the determining issues.

### Scope of the Guidance

This guidance covers the whole of Moray as cumulative build up is an issue throughout the area. The first part of the guidance sets out cumulative build up indicators to identify build up and determine when it becomes unacceptable.

The second part of the guidance focuses on 8 study areas identified as housing in the countryside hotspots where cumulative build up is prevalent. A landscape consultant was commissioned to identify the key landscape and visual impacts associated with cumulative build up and assess the appropriateness of further development within these study areas.

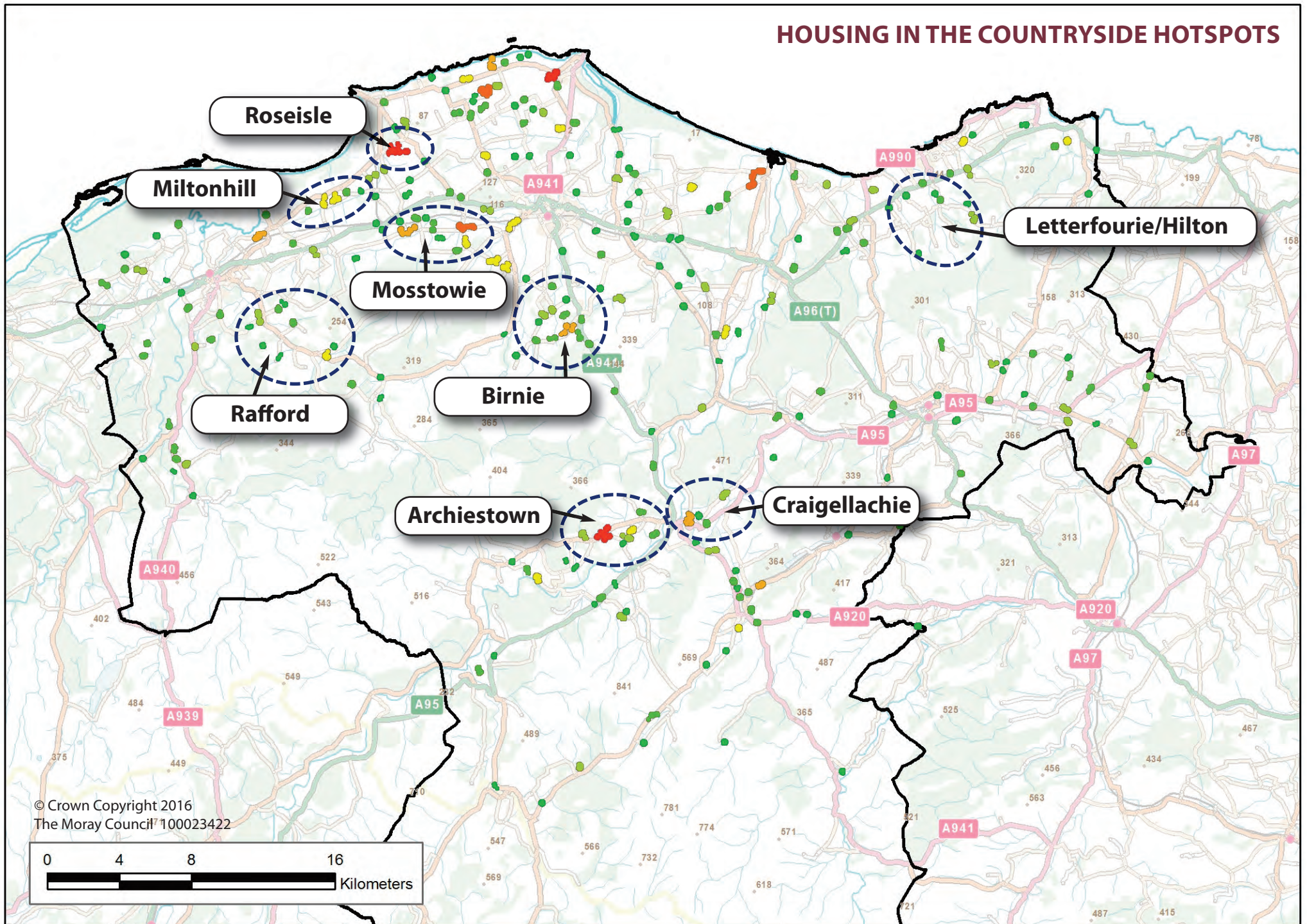
- Roseisle
- Miltonhill
- Mosstowie
- Rafford
- Birnie
- Craigellachie
- Archiestown
- Letterfourie/Hilton

**It should be noted that the mapping provides a snapshot in relation to cumulative build up which will change over time. On this basis it is proposed to review the mapping every two years to keep it updated.**

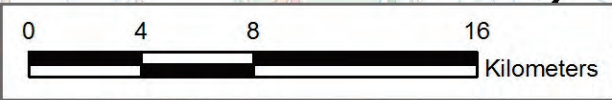
**Furthermore, the boundaries around the development hotspots are indicative and do not represent the extent of cumulative build up but instead provide a visual aid to identify the areas the guidance is referring to.**

**The study areas cover the wider area surrounding the identified development hotspots. The guidance is applicable to all housing in the open countryside proposals that are sited within the boundaries of the identified hotspots and those on the edges of it and surrounding area that may exacerbate or create cumulative build up.**

# HOUSING IN THE COUNTRYSIDE HOTSPOTS



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# Cumulative Build Up Indicators

There are different types of build up occurring across Moray including sequential build up when travelling through an area, concentration of new houses in an area that overwhelms traditional buildings and concentrated development that creates suburban cul-de-sacs. The conditions for build up differ depending on the characteristics of a particular location and on this basis it is impossible to provide a singular definition of what constitutes unacceptable build up.

Identifying the area surrounding an application site that should be taken into account when considering build up can also be problematic. This should be based on the characteristics of the locality, applying a blanket measurement around a site is not an appropriate approach.

In order to help identify the conditions when build up is an issue and has an unacceptable impact a number of indicators for build up have been identified.

## Siting Indicators

- The number of new houses overwhelms the presence of older buildings, such that the new houses are the predominant components of the landscape and the traditional settlement pattern is not easy to perceive.
- The incidence and inter-visibility of new houses result in these being a major characteristic of the landscape. There is a prominence of new houses from key viewpoints such as roads, adopted core paths or long distance paths and existing settlements.
- There are sequential visual effects of cumulative build-up of new housing experienced when travelling along roads in the vicinity of the site. The proposal contributes to ribbon development between existing/consented houses contrary to the traditional dispersed settlement pattern.

## Design Indicators

- In order to serve numerous new house plots in any given area, commonly suburban style features are required, such as accesses built to adoptable standards (rather than gravel tracks) and large bin storage areas at the end of tracks. These features erode the rural character of an area.
- The larger scale of new houses contrasts to generally smaller size of older building, cottages and farms results in the development being out of keeping and incongruous within the rural setting.
- There are numerous incidences of open prominent elevations that are visible in the landscape and are orientated for views and in contrast to traditional settlement pattern.
- A new architectural design is prevalent which has overwhelmed the older vernacular style.



# Roseisle

This study area comprises a loose grouping of new housing to the south-west of Roseisle. There is a cluster of recent housing associated with former farmsteads at Middle and Easter Buthill. More dispersed houses are predominantly sited within semi mature and even aged woodland of scots pine. Other houses are located in more open positions but partially screened by the undulating landform and woodland.

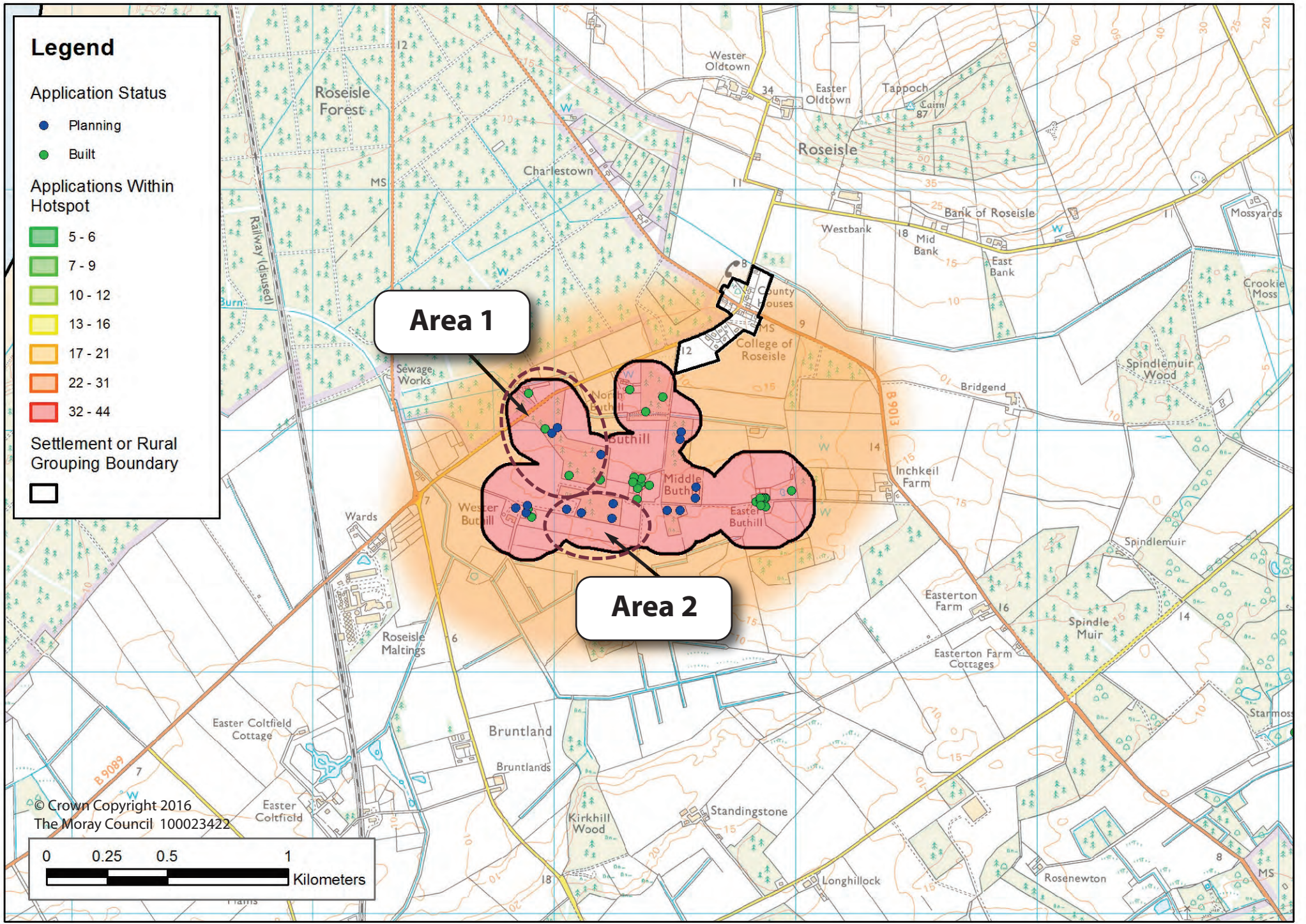
**Area 1:** This area is perceived as a distinct and concentrated grouping of houses, although it lacks the dense clustering associated with a traditional settlement. It appears more like a suburban residential area commonly found on the edge of a larger urban settlement and is therefore incongruous in its landscape setting.

Although semi mature pine woodland provides the setting for some more recent developments, new houses are situated in the outer edges of the woodland with only limited screening provided by a few widely spaces trees. No further development should be consented within this existing woodland.

**Area 2:** Fenced housing plots are laid out in a linear arrangement with a young plantation. Housing development within the plantation will be prominent being sited in an open location on a slight ridge. The woodland is not sufficiently mature to provide screening or to form a strong landscape feature aiding the integration of the development. A geometric young plantation is not an appropriate landscape feature to associate new development within. No further housing should be consented in this location as it will appear arbitrary, isolated and contrast with the settlement pattern prevalent in the wider landscape.







**Legend**

**Application Status**

- Planning
- Built

**Applications Within Hotspot**

- 5 - 6
- 7 - 9
- 10 - 12
- 13 - 16
- 17 - 21
- 22 - 31
- 32 - 44

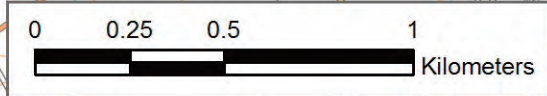
**Settlement or Rural Grouping Boundary**



**Area 1**

**Area 2**

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# Miltonhill

Capacity is close to being reached in this area as there are very few more gently sloping sites at the foot of the bank and siting additional houses on steep slopes or higher up the bank would be contrary to the pattern of older houses and the majority of more recent housing in this area.

Further housing constructed on the upper slopes of the golf course, resulting in a greater number and proportion of buildings visible on the top of the bank, would have adverse effects on the view across the open coastal farmland including from the A96. There is scope to accommodate further small scale development within the golf course itself avoiding prominent locations. A masterplan must be prepared to support the release of land for small scale house development. The council will work with the developer/landowner to prepare a masterplan that promotes sensitive development that integrates into the landscape and is of a high design quality.

Any further building on the bank itself or seen on the skyline of the bank should be avoided as development in this area is prominent from the A96.





# Legend

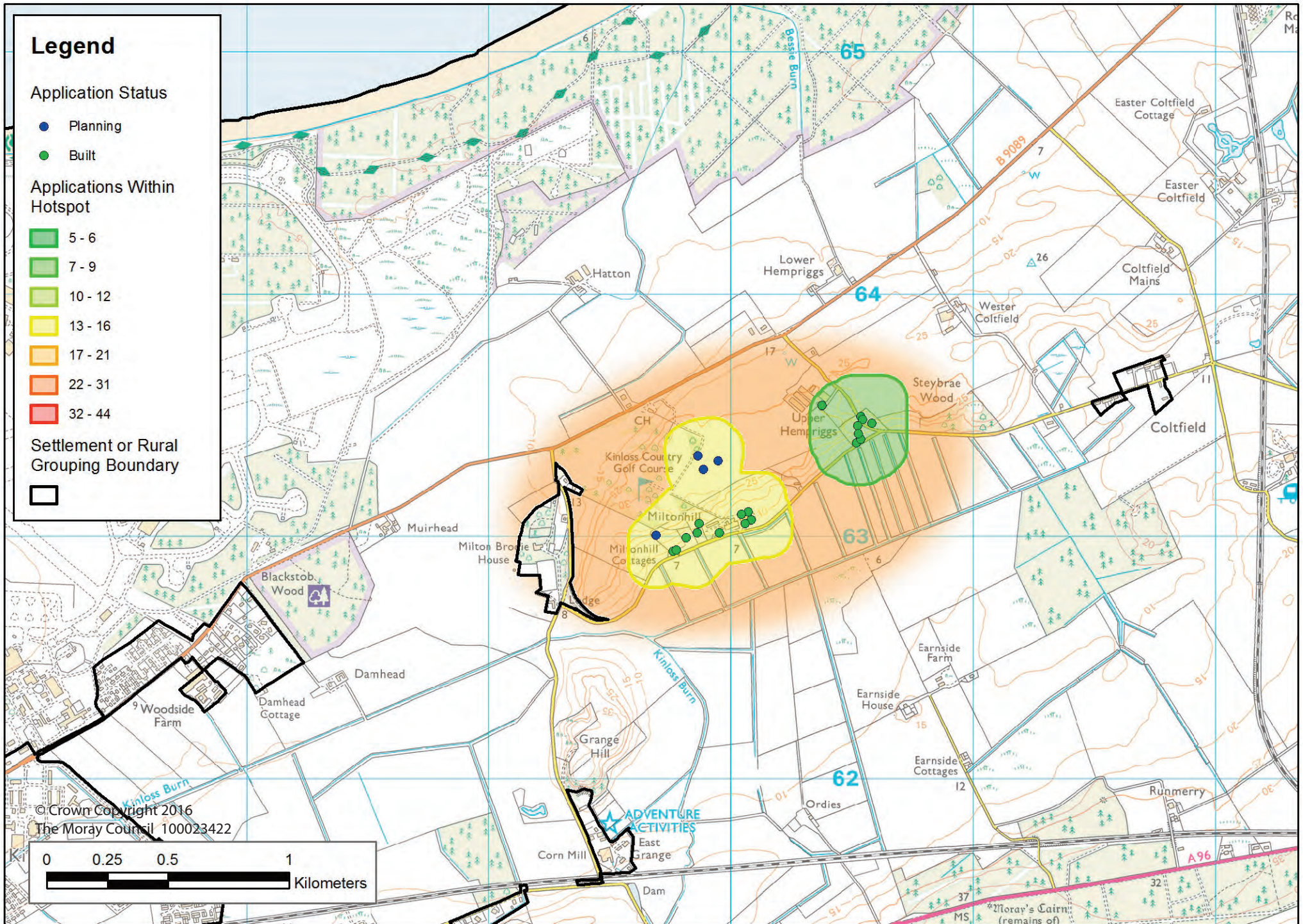
## Application Status

- Planning
- Built

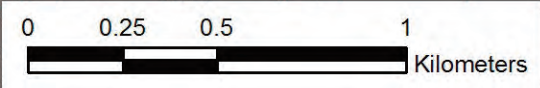
## Applications Within Hotspot

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- 13 - 16
- 17 - 21
- 22 - 31
- 32 - 44

## Settlement or Rural Grouping Boundary



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# Mosstowie

A number of late 20th century bungalows and houses are aligned against the minor roads and more recently constructed houses tend to follow this pattern forming infilling between older properties. Area A forms a more concentrated linear grouping while areas B and C comprise a more cluster and space arrangement but are broadly linear in their proximity to the minor road.

Inter-visibility of new buildings does not have a significant cumulative impact. The sequential visual effects of cumulative build up experienced when travelling along the minor roads is however an issue. In close view some of the key effects include in Area A recently constructed houses being aligned contrary to the traditional settlement pattern.

There are new dense clusters of development associated with farm steading renovations including a number of recently constructed houses. These commonly appear incongruous in this area as the scale, layout and design is in contrast to traditional farmsteads

No further development should be undertaken in Area A due to the absence of any additional sites on the southern side of the minor road with an immediate backdrop of woodland. New housing on the northern side should be avoided as it would significantly increase the density of development in longer views.

Infilling between existing housing in Areas B and C would contribute to a more concentrated ribbon settlement form which is contrary to the dispersed settlement pattern of traditional buildings and would incur adverse sequential cumulative visual effects. The cumulative effects of concentrating development in Areas A-C together with increasing build up within nearby Miltonduff would impose a more urban settlement form inappropriate in the countryside and should therefore be avoided. There is only limited scope for a small number of compact 1½ storey new buildings to be accommodated in this study area. New development should only be consented in less open areas where existing trees/woodlands and the rolling land provide a degree of containment to avoid contributing to existing build up issues.





# Legend

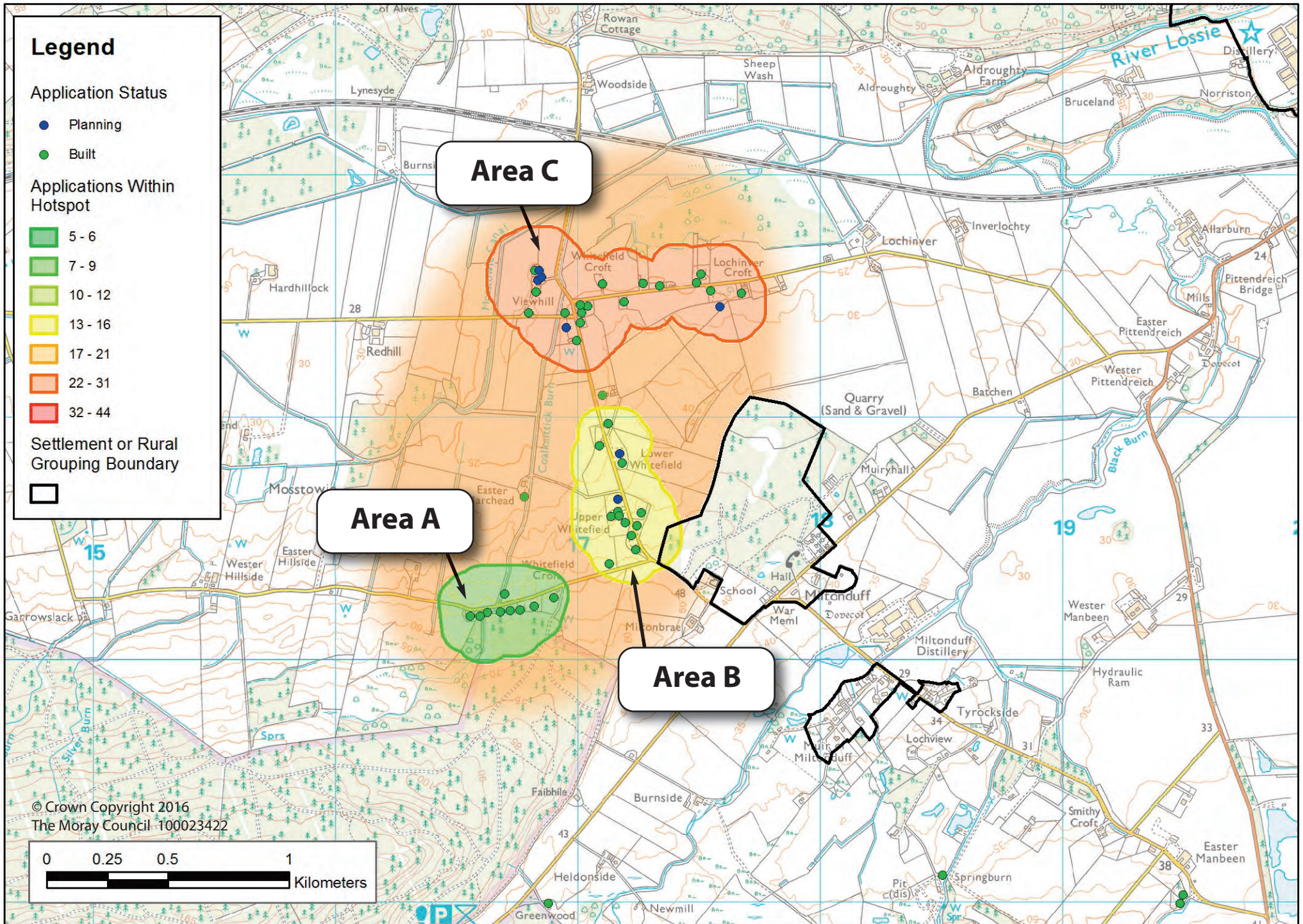
## Application Status

- Planning
- Built

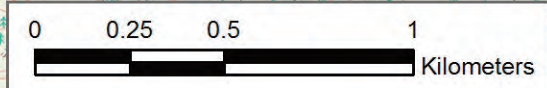
## Applications Within Hotspot

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- 32 - 44

## Settlement or Rural Grouping Boundary



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# Rafford

Rural housing development has significantly increased to the south west and north east of Rafford.

## Area A

A short row of modern housing in Area A associated with a small wooded bank to the west of the Marcassie Burn and while visually associated with the original village this area is set slightly apart from it. Further new housing development is discreetly located to the north west of Rafford in Site A but is largely screened by the rolling landform and woodland.

There is no scope to accommodate any further housing in the southern part of Area A. A limited number of discreetly sited and well designed houses of an appropriate scale and massing could be located in the northern part of the area.

## Area B

A number of widely dispersed and longer established large modern houses are located between Rafford and the embanked former railway line. Some of the properties are set in extensive grounds with considerable plantings of young native species and hedged boundaries. In time this planting will replicate the wooded characteristics of the surroundings. A limited number of discreetly sited, well designed houses could be accommodated in this area. New housing proposals should duplicate the extensive native planting and hedged boundaries of surrounding properties to assist development to integrate sensitively.

## Area C

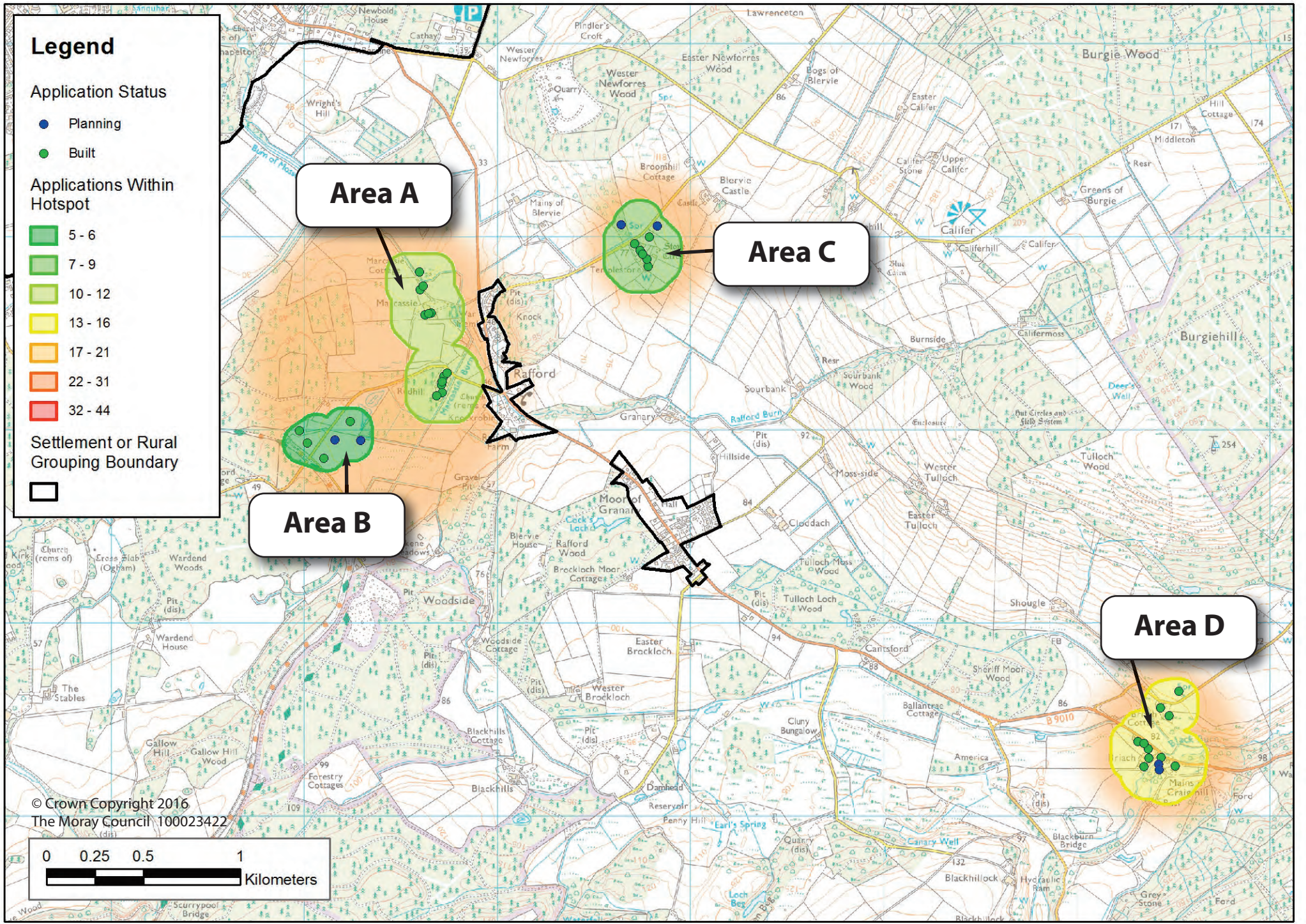
In the wider area around Rafford, new houses are dispersed along roads and occasionally form more concentrated linear groupings associated with a defined bank, edge of woodland or set along a minor road or track. Additional houses in this location would increase the incidence, density and prominence of housing and have a detrimental impact on the rural character of the area. On that basis no further development should be permitted in this area.

## Area D

Development at Mains of Craigmill is more clustered being associated with an old mill and farmstead. More dispersed new housing to the north east of Craigmill is highly visible from the B9010. No further development should be permitted in this area as the further build up of housing in this area will detract from views into the valley from this road.







### Legend

#### Application Status

- Planning
- Built

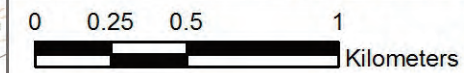
#### Applications Within Hotspot

- 5 - 6
- 7 - 9
- 10 - 12
- 13 - 16
- 17 - 21
- 22 - 31
- 32 - 44

#### Settlement or Rural Grouping Boundary



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# Birnie

New buildings far outnumber older buildings in this area. New housing is predominantly largely aligned close to minor roads which form a broad loop to the west of the A941. Rolling landform and woodland helps to screen new houses in the wider views, more elevated and particularly large new properties are intrusive from minor roads in this location.

Some recently constructed houses are located on the outer edges of semi-mature managed pine woods but in elevated locations, orientated towards views of the Moray Firth. Although these properties are partially screened by woodland from the south, they are large, fairly close together and open to views from the north, resulting in the case of very recent building on the edge of Cockmuir Wood, in a prominent line of buildings seen above a small ridge.

The incidence and inter-visibility of large new houses in the Birnie area result in them being a major characteristic of the landscape. The rural character of the area is significantly diminished with a more peri-urban character prevalent. Landscape and visual capacity has therefore been exceeded in this area and no more development should be consented within the area delineated in purple on the adjacent map.





# Legend

## Application Status

- Planning
- Built

## Applications Within Hotspot

- 5 - 6
- 7 - 9
- 10 - 12
- 13 - 16
- 17 - 21
- 22 - 31
- 32 - 44

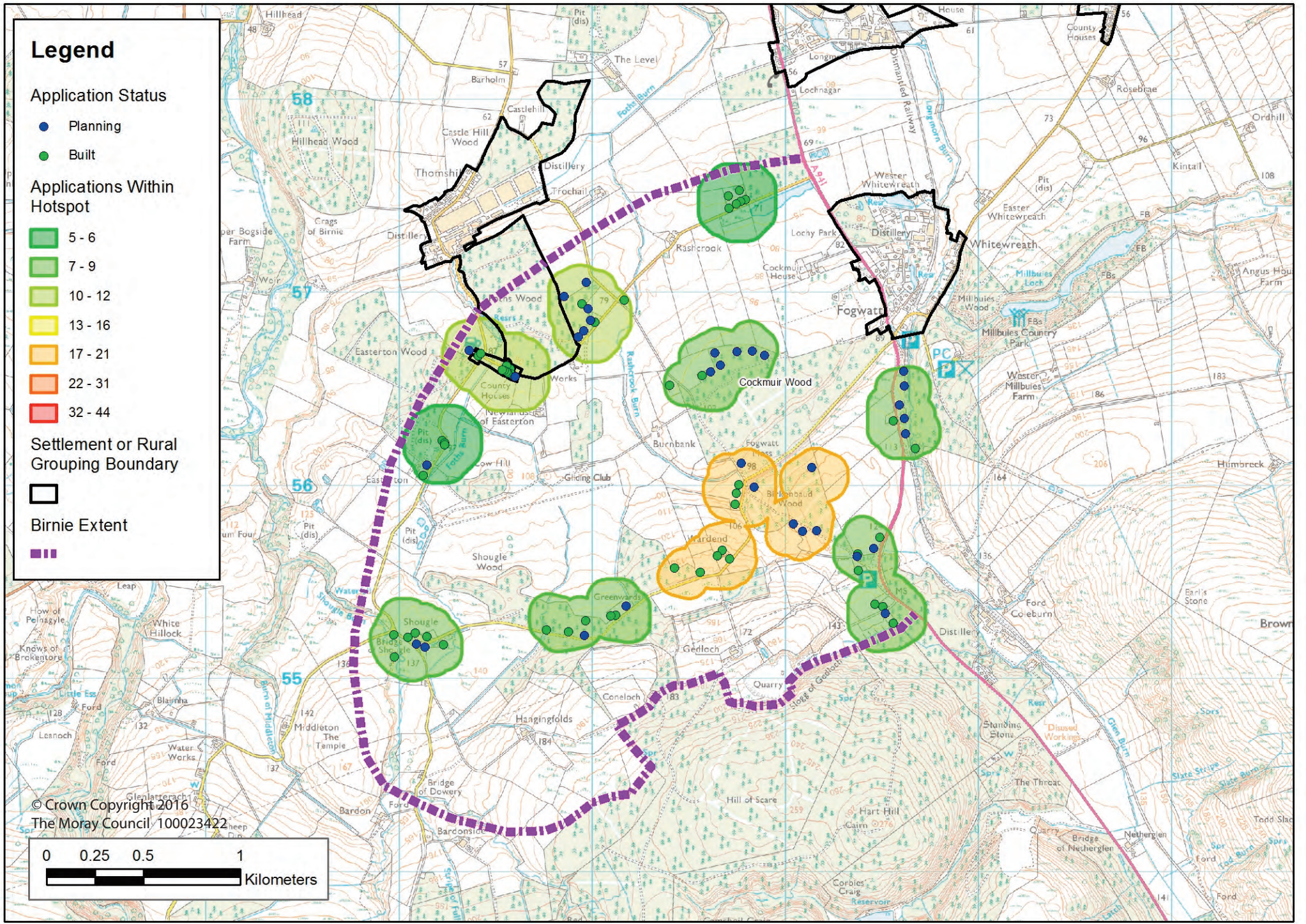
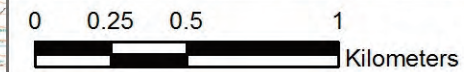
## Settlement or Rural Grouping Boundary



## Birnie Extent



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# Craigellachie

## Area A

Steep hill slopes to the north east of the settlement of Craigellachie and on the opposite side of the Fiddich feature a number of large 19th century stone houses set in mature wooded grounds. Newer houses are located in more open situations and are consequently more prominent from the A95.

Additional houses should only be accommodated on these hill slopes in exceptional circumstances where adequate screening is provided by mature woodland.

## Area B

New housing development in the Maggie Knockater area is more dispersed in character. New properties are generally smaller than those in other parts of Moray, for example Letterfourie/Hilton and Birnie study areas. New properties are aligned either side of the minor road above steep undulating slopes and are often backed by mature coniferous woodland. This area is elevated above the A95 and there is a little visibility of new housing from this well used road. Despite this cumulative build up is such that additional housing would likely affect the traditional settlement pattern and result in a more concentrated ribbon effect along the minor road.

There is very limited scope for any further development in this area.





# Legend

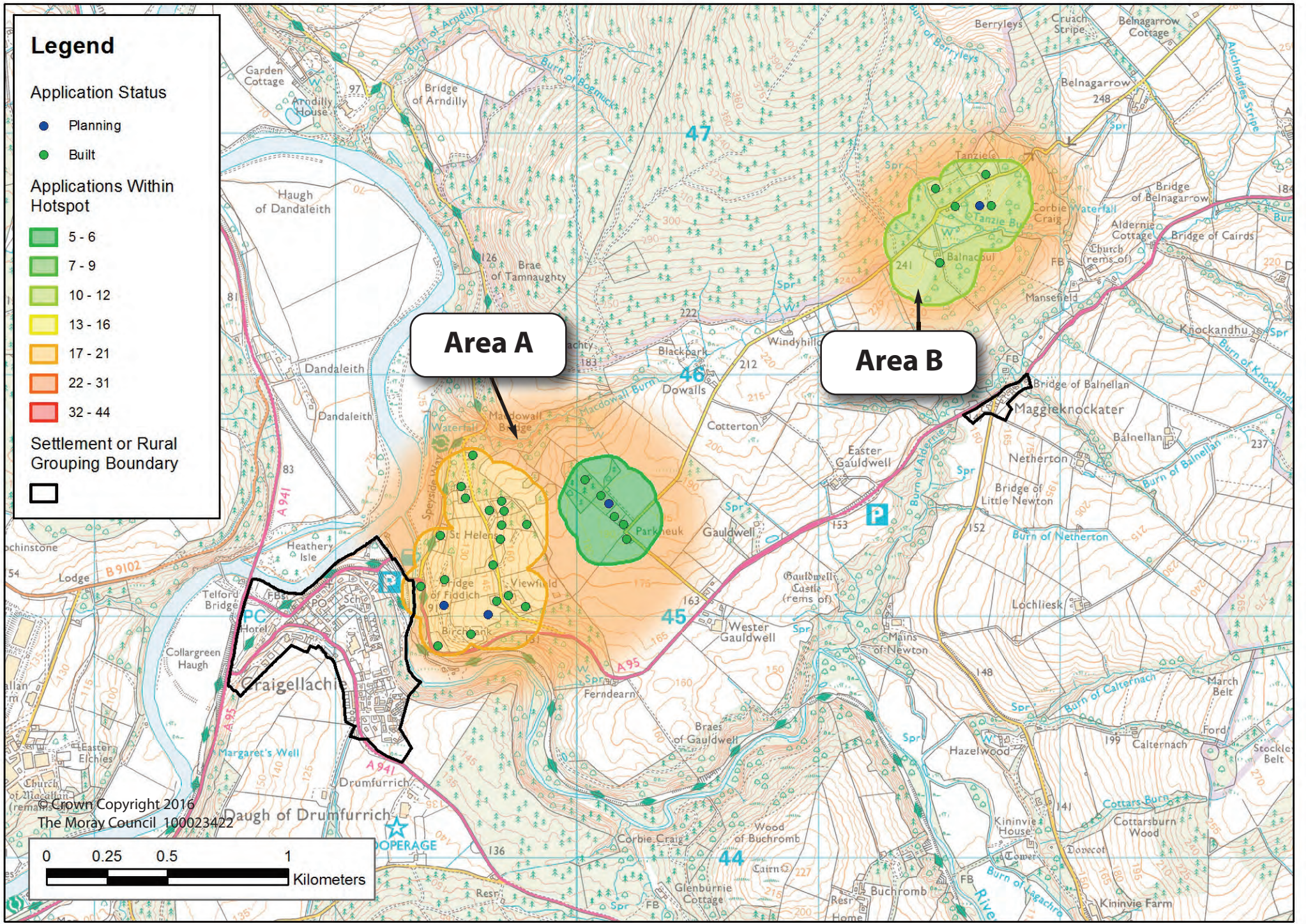
## Application Status

- Planning
- Built

## Applications Within Hotspot

- 5 - 6
- 7 - 9
- 10 - 12
- 13 - 16
- 17 - 21
- 22 - 31
- 32 - 44

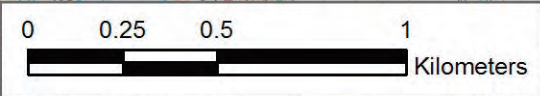
## Settlement or Rural Grouping Boundary



**Area A**

**Area B**

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# Archiestown

A build up of housing is evident with a particular concentration of new housing occurring to the east of Archiestown and close to the B9102. In some areas this concentration of new buildings result in them being a key characteristic of the landscape. The cumulative build up apparent across the study area threatens to detract from the distinctive pattern of small farms and planned settlements including nearby Archiestown.

Further cumulative build up could significantly affect views from roads, footpaths and settlements. This would likely occur if further housing was allowed to south eastern edge of the study area, near the steep slopes, immediately above the River Spey, as annotated on the accompanying mapping.

Development is occurring within conifer woodlands, where new houses are sited in woodland, the poor quality plantation could diminish the screening provided by trees , removal of these trees would result in an incongruous loose cluster of houses being revealed unconnected to any landscape feature and contrary to the traditional settlement pattern. No further development should be consented within woodlands in the Nether Tomlea area and close to the B9012.

There may be some very limited scope for a small number of well-designed houses in parts of this study area although the potential effects on landscape and on views would have be carefully considered.





# Legend

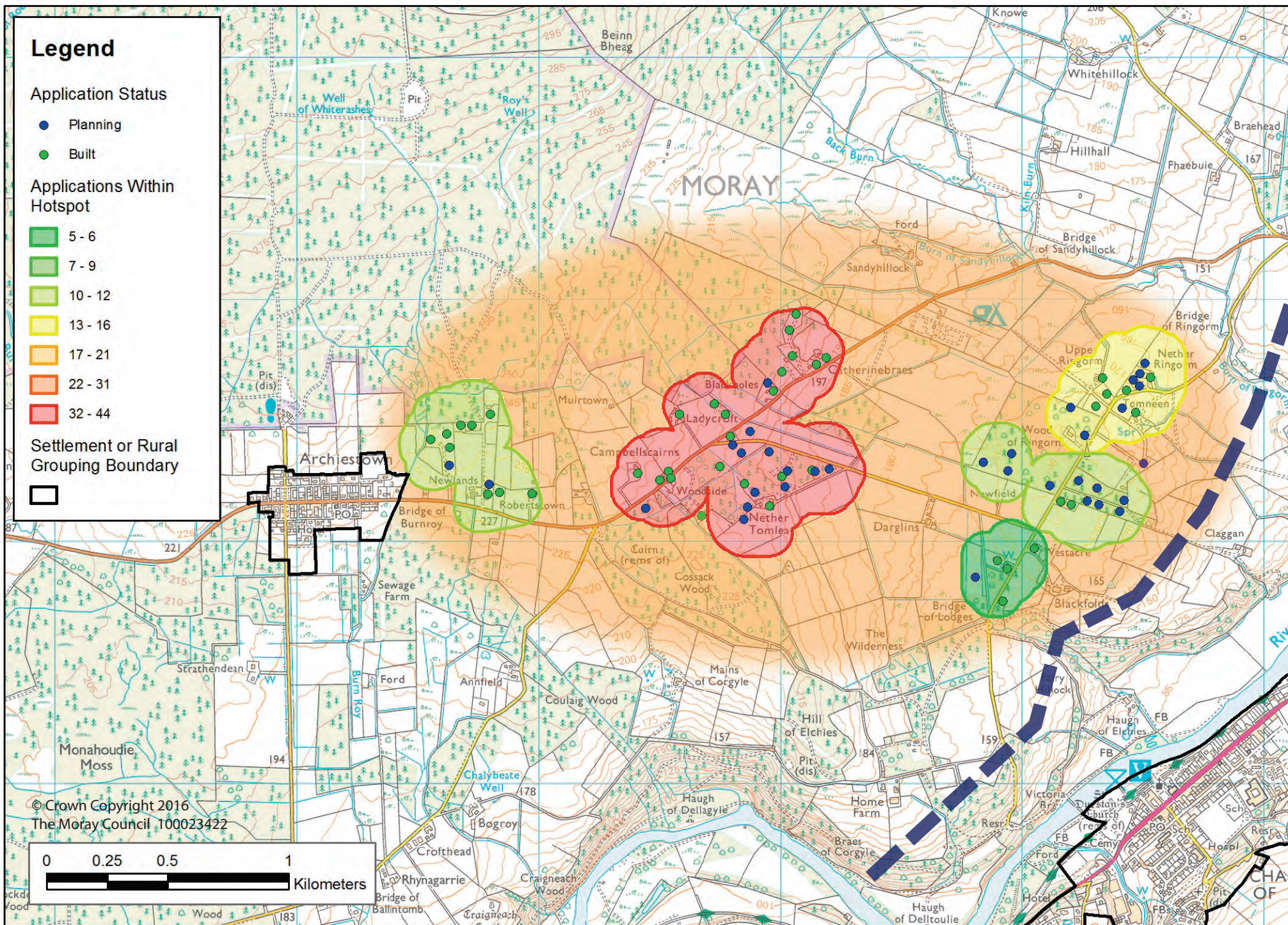
## Application Status

- Planning
- Built

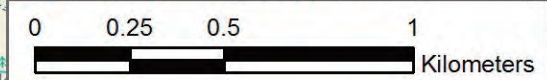
## Applications Within Hotspot

- 5 - 6
- 7 - 9
- 10 - 12
- 13 - 16
- 17 - 21
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- 32 - 44

## Settlement or Rural Grouping Boundary



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## Letterfourie/Hilton

This study area lies to the south of Buckie and surrounding the Drybridge area. There are many newer houses in this area and these are invariably significantly larger than the few older properties that are evident. New houses are fairly well space apart on the lower hill slopes but are more concentrated around Maryhill and in the Hill of Maud Crofts area.

Buildings are orientated to gain views over the Moray Firth and their principal elevation is therefore open and highly visible. Due to the concentration of new housing a new architectural style is now prevalent which has overwhelmed the older vernacular style of the relatively few older farms and cottages. There is a changed settlement pattern from sparsely settled rural area with small clustered villages to a much more settled rural area.

Additional housing would increase the incidence, density and prominence of dispersed housing although in terms of visibility, this area is not particularly well frequented and views of the A98 are distant.

There is some limited scope to accommodate further development in Maryhill to make it more tightly clustered and reflect the traditional settlement pattern. Beyond this no further development should be consented within the area delineated in purple on the accompanying map given the number of large scale new houses in this location that have had a detrimental impact on the rural character of the area.





# Legend

## Application Status

- Planning
- Built

## Applications Within Hotspot

- 5 - 6
- 7 - 9
- 10 - 12
- 13 - 16
- 17 - 21
- 22 - 31
- 32 - 44

## Settlement or Rural Grouping Boundary



## Letterfourie/Hilton Extent

